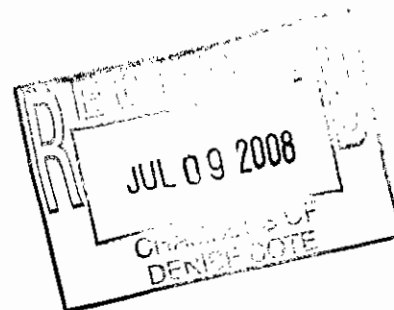


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July 7, 2008

Honorable Denise L. Cote  
United States District Judge  
500 Pearl Street  
New York, NY 10007

**MEMO ENDORSED**

Re: Moton v. Feliciano, et al.  
07 CV 7581 (DLC)

Dear Judge Cote:

I am the attorney for the plaintiff in the above-referenced action. The deadline for completion of fact discovery in the action is July 25, 2008. Although the attorneys for defendants and plaintiff continue to exchange documents with each other, I must once again report to the court that I have lost touch with my client. The defendants have noticed his deposition for July 21, 2008, but I am very uncertain as to whether I will be able to produce him to be deposed on that date.

Your Honor will recall that, once previously in the action, you dismissed it without prejudice in a similar situation. As it turned out, that dismissal was made unnecessary by my client's getting in touch with my office just at the time that Your Honor issued the order. Now, I am afraid that I must once again request that such an order be issued. In the alternative, Your Honor might wish to order an extension of the time allotted for fact discovery.

I have discussed my sending this letter to Your Honor with the attorneys for the defendants. They have no objection to either course of action that I have proposed. I have also informed them that, if Your Honor wishes, I would be more than happy to attend a conference on this issue at which, of course, the attorneys for the defendants would be present and participate. I am available for such a conference any afternoon this week and all day Friday, July 11, 2008. I will be away all of next week but will be available for a conference the afternoons of July 21, 22, and 24.

Very truly yours,

ALAN D. LEVINE

ADL/jb

cc: Katherine E. Smith, ACC (Via Fax)

*to submit to a deposition on or before August 22. The case shall be dismissed with prejudice. Denise Cote*

*July 9, 2008*  
*Fact discovery is extended to August 22 to permit the plaintiff to be deposed. The remainder of the scheduled dates shall not be changed. If the plaintiff fails*